

REMARKS

Claims 1 and 10-16 have been canceled without prejudice or disclaimer. Applicants reserve the right to pursue the canceled subject matter in one or more divisional or continuation applications.

New claims 17-27 have been added. Support for the new claims can be found throughout the specification, including for example, the original and previously presented claims.

These amendments introduce no new matter.

Claims 17-27 are pending in the application, with claim 17 being the sole independent claim.

Reconsideration and withdrawal of the rejections set forth in the Office Action are respectfully requested.

I. The Rejection of Claims 1 and 10-16 Under 35 U.S.C. § 103(a) Should be Withdrawn

Claims 1 and 10-16 have been rejected in the Office Action at page 2, under 35 U.S.C. § 103(a), as allegedly being obvious over March, U.S. Published Patent Application No. 2001/0034500 (hereinafter “March”) in view of Di Cesare *et al.*, *Journal of Photochemistry and Photobiology A: Chemistry* 143:39-47 (2001) (hereinafter “Di Cesare”). By the foregoing amendments, claims 1 and 10-16 have been canceled. Applicants respectfully traverse this rejection as it may apply to new claims 17-27.

The Office Action suggests that March discloses an ophthalmic lens incorporating a receptor moiety for determining the amount of an analyte, including glucose, in ocular fluid. The Office Action concedes, however, that March fails to disclose the particular sensing moiety of the claims. The Office Action attempts to cure this deficiency with the disclosure of Di Cesare, suggesting that Di Cesare discloses an alternate boronic acid-based glucose sensor having properties consistent with the requirements of March. The Office Action concludes that it would have been obvious to implement the lens of March with the sensing moiety of Di Cesare, as

March discloses that boronic acid derivates may be used for the moiety. Applicants respectfully disagree with these contentions and conclusions.

As conceded in the Office Action, Applicants submit that March does not disclose a sensing moiety that meets the requirements of the moieties recited in the present claims. Di Cesare also does not disclose a sensing moiety as recited in the present claims, nor does it suggest the use or preparation of such sensing moieties.

Thus, Applicants submit that March and Di Cesare, alone or in combination, do not disclose the presently claimed invention, and hence, the Office Action has not set forth a *prima facie* case of obviousness. *See* M.P.E.P. § 2143.03. Applicants note for the Examiner's information that the present claims generally correspond to those of granted European Patent No. 1 654 543.

Furthermore, Applicants submit that the presently claimed ophthalmic sensors provide improved properties over the art, as described for example, at page 17 of the present application.

In view of the foregoing remarks, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a).

II. Conclusion

Applicants believe that the claims of the present application are in condition for allowance and respectfully request allowance thereof. The Examiner is invited to telephone the undersigned if that would be helpful in resolving any issues.

With the exception of extension of time fees, no fees are believed due for this submission. The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application or credit any overpayment, to Deposit Account No. 50-5071. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-5071.

Respectfully submitted,

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